

**KENTUCKY BOARD OF EDUCATION
REGULAR MEETING
OCTOBER 8-9, 2003**

**STATE BOARD ROOM
1ST FLOOR, CAPITAL PLAZA TOWER
FRANKFORT, KENTUCKY**

SUMMARY MINUTES

The Kentucky Board of Education held its regular meeting on October 8-9, 2003, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

Wednesday, October 8, 2003

CALL TO ORDER

Chair Helen Mountjoy called the Board meeting to order at 8:40 a.m.

ROLL CALL

Present for the meeting were Janice Allen, Alcie Combs, Dorie Combs, Gail Henson, Tom Layzell, Jeff Mando, Helen Mountjoy, Hilma Prather, Sam Robinson, David Tachau and Paul Whalen. Absent from the meeting was Keith Travis.

APPROVAL OF MINUTES

Alcie Combs moved approval of the August 6-7, 2003, regular meeting minutes and Paul Whalen seconded the motion. The motion carried.

REPORT OF THE PRESIDENT OF THE COUNCIL ON POSTSECONDARY EDUCATION

Dr. Tom Layzell reported that over the next two days the Council on Postsecondary Education and the Chief Academic Officers from the universities would be hosting the third Teacher Quality Summit at Eastern Kentucky University. He indicated that the theme of the summit is highly qualified teachers in every classroom and noted that the meeting will focus on improving coordination between postsecondary education institutions and the professional development needs of school districts.

The second item highlighted by Dr. Layzell was the approval by the Council on Postsecondary Education of the formation of three policy groups to deal with a number of issues including seamlessness, affordability and workforce/development. Layzell indicated that Commissioner Wilhoit would serve on the seamlessness group, which will focus on how the Council on Postsecondary Education can help to eliminate the breaks in student achievement as students enter the postsecondary level.

Next, Layzell focused on the American Diploma Project and noted that the draft benchmarks had been circulated to the Chief Academic Officers for review in order that they can provide input on the standards for college readiness. He stated that the purpose is to work toward an agreement with institutions that if students meet these standards, they will be placed in credit-bearing coursework.

The final item shared by Dr. Layzell is the fact that in February 2004, the Council on Postsecondary Education and Kentucky Board of Education will hold a joint meeting to discuss how the policy recommendations made by the American Diploma Project policy team could be implemented.

REPORT FROM THE PRE-K TO 16 COUNCIL

Gail Henson indicated that the Pre-K to 16 Council met on September 9 in Louisville and had a two-hour meeting. She characterized it as an information overload session where the Council looked briefly at the priorities set by the P-16 group that went to the NASH conference this summer and where most of the time was spent on presentations made by Kati Haycock from Education Trust, ACT staff and Sheila Byrd from the American Diploma Project. Henson stated that these reports were significant and that the Council could realistically use a day on each one. She noted that the American Diploma Project benchmarks have just been released and are being refined and tested. Henson stated these will have an effect on K-12. She said that she looked forward to the next meeting on December 16 where a debriefing could take place on each of the large issues the Council heard about in September. One final item pointed out by Henson was that Joe Barrows, Starr Lewis, Tom Layzell and she attended a Southern Regional Education Board meeting in Atlanta focused on college readiness.

REPORT OF THE COMMISSIONER OF EDUCATION

Commissioner Wilhoit began with the fact that people are beginning to associate certain behaviors with improvement of test scores. He stated that he gets emails from schools where he visits and had received an email from a principal of a low-performing school that had been one of his stops. Wilhoit said that the email indicated the school had a number of challenges to overcome but stated they did not let that deter them from improved student results. He shared that the principal reported the school raised its scores 13 points in reading, 10 points in science, 22 points in social studies and 14 points in practical living/vocational studies. Wilhoit indicated the principal attributed the progress to the following:

- Expectations were raised and failure was no longer accepted. A staff was put together that would take responsibility for and plan for every child.
- The state provided the support of a highly skilled educator and the district provided resources to help with raising student achievement.

The Commissioner emphasized that it was nice to see adult actions associated with improved results.

Next, the Commissioner talked about the release of the recent report from the Commission on Human Rights that raised the focus on the achievement gap. He noted that nobody at the Kentucky Department of Education was contacted as the report was written and said he would characterize it as out-of-date and inaccurate. Wilhoit said it is good to have this kind of report before the public; however, he emphasized that he would appreciate a conversation with the group before the report comes out.

GOOD NEWS FROM SCHOOLS AND DISTRICTS

Chair Helen Mountjoy offered congratulations to the following:

- Both Jefferson and Fayette County school districts were recognized. Jefferson County Public Schools was noted as a finalist for the Broad Prize for Urban Education. Fayette County was identified as landing one of thirteen grants from the National Science Foundation.
- A tip of the hat was given to Pete Miller, Facilities Administrator in Boyd County; Dr. William Capehart, Superintendent in Boyd County; John Eben, President of the Kentucky School Plant Management Association; John Noel, Executive Director of the Kentucky School Plant Management Association and Mark Ryles, Kentucky Department of Education Director of Facilities Management for providing assistance to folks in Ohio who are trying to establish a plant management association. Also, congratulations was offered to Pete Miller for becoming President-Elect of the National School Plant Management Association.
- John Zhang, a senior at Paul Lawrence Dunbar High School in Lexington, was congratulated for his many accomplishments including making a perfect score of 36 on ACT and a perfect score of 1600 on the SAT. He also was the high school state champion in the 100-yard butterfly event in swimming, still participates on the defending state champion Dunbar swim team, works as an assistant on neurobiology research at the University of Kentucky's Sanders-Brown Center on Aging two or three days a week and volunteers with several clubs and his church youth group while taking nine high school classes. Zhang was characterized as adding new meaning to the title "student athlete".
- Corbin Middle School was recognized for its after school program that is in its sixth year and offers a structured environment for middle school students. This environment includes drama, art, martial arts and the opportunity to earn a babysitting certificate.
- Dr. Blake Haselton, Superintendent in Oldham County, was recognized as being selected as one of 37 people nationwide to win an Excellence in Education Leadership Award from the University Council for Education Administrators.

Additionally, Rosemarie Young, Principal of Watson Lane Elementary in Jefferson County was congratulated for being chosen as the new president-elect of the National Association of Elementary School Principals.

- Congratulations was given to T.C. Cherry Elementary in the Bowling Green Independent School District for being chosen recently as a national Blue Ribbon School.

Hilma Prather added it was great news that Floyd County has one half of its schools that exceeded their biennial goals and the other schools made progress. She asked that a letter of congratulations go to the district and the Board concurred.

David Tachau offered that good news exists in Jefferson County where there is an initiative between the business community and Jefferson County Public Schools for a four-year program to bring all students up to grade level in reading. Tachau noted that 8 million dollars is being infused into the school system.

KDE EMPLOYMENT REPORT

Chair Mountjoy pointed out that of the Frankfort workforce of 425 persons, 13.9% are minorities. She also noted that when one looks at the hires over the last two months, 11% are minorities, all of whom were hired into either leadership or professional positions.

ANNOUNCEMENTS

Chair Helen Mountjoy announced one amendment to the agenda for item XIV. A.1. Reporting Timelines, which had undergone a title change to read “Meeting Reporting Timelines Established by the *No Child Left Behind Act* of 2001 (NCLB) and Clarification on Other Academic Indicator and Graduation Rate”.

COMMITTEE MEETINGS

The Curriculum and Management Committees met from 9:20 a.m. until 12.00 noon.

COMMONWEALTH ACCOUNTABILITY TESTING SYSTEM (CATS) DATA RELEASE

Deputy Commissioner Linda France gave an overview of the results using a PowerPoint presentation that emphasized the following points:

- Elementary schools gained 3.3 points on the academic indices from 2002 to 2003, middle schools gained 3.1 points and high schools gained 1.7 points.
- Elementary and middle schools showed progress within each content area and high schools showed progress in all areas except science and social studies.

- Each grade level has registered yearly gains over the five years of CATS.
- Much work remains to be done in closing the achievement gaps that are negatively affecting minority students, disabled students and students from low socio-economic status.
- It was reported that 14 schools are at or above 100 presently, 82 schools are between 88 and 99.9 and 35 schools are below 55. All other schools fall between these benchmarks.
- Particularly at the elementary school level, the data shows that schools having a high percentage of poor children can achieve at high levels.

Following the presentation, Chair Helen Mountjoy emphasized the need to strengthen the high school program and examine what is going on instructionally at this level. She also pointed out that for every level, math ranked sixth out of the seven areas. Then, Mountjoy asked what would be done about schools that are not performing.

Commissioner Wilhoit noted that Kentucky has not had a major math initiative. He also stated that if some schools are going to make their goal of 100 by 2014, drastic changes will have to occur. Wilhoit stated he is encouraged because for the first time, he's beginning to see the emergence of a district role. The Commissioner indicated that legislative action for greater intervention in some schools may have to be sought.

Concern was expressed over the effect of the *No Child Left Behind Act* and the Commonwealth Accountability Testing System on those schools that are not performing well. It was concluded that the Board may have to pursue more aggressive policies in those schools that do not improve and that a lot more work needs to be done to help teachers in the diagnostic phase of instruction.

2003 ACT AND SAT RESULTS

Deputy Commissioner Linda France directed the Board's attention to the HumRRro Study on page 164 of the Agenda Book titled "Relationships Among Kentucky's Core Content Test, ACT Scores and Students with Self-Reported High School Grades for the Classes of 2000-2002". She emphasized the following:

- The results show a positive correlation between performance on CATS, ACT and student grades and this is good news.
- More students in Kentucky are taking the ACT than ever before with 73% of high school seniors taking the ACT the last time it was given.
- Given the larger participation rate, Kentucky still saw a positive increase in its ACT scores this year.

- However, more achievement gap issues are becoming evident with ACT and there is a need to see more students taking the core curriculum, especially minority populations.
- It has been proven there is a direct correlation between taking rigorous coursework in high school and achievement on the ACT.
- There is good news on the SAT with more students taking advanced placement courses and scores improving in Kentucky.

Then, the following concerns were expressed:

- Not only is there a gap in the performance of minority youngsters who take the ACT, but there is also a gap in the percentage of minority youngsters who even attempt to take the ACT.
- There is a disconnect with the achievement of these youngsters and it will become more apparent with the implementation of the *No Child Left Behind Act* because the high performance of one group will no longer mask the performance of other groups.
- Any plans for restructuring high schools must include an extra emphasis on target populations.
- Every child must be engaged in a rigorous curriculum early in their educational career.

Relative to the HumRRO study, Commissioner Wilhoit pointed out that it appears incongruent that large gains on CATS and small gains on ACT could possibly indicate a relationship between the two. However, he explained that CATS is more sensitive because it is directly testing the core content that has been taught, and also noted that the percent of students taking ACT has increased over time. Wilhoit indicated that in high performing high schools, one sees increases on ACT and on CATS. He stated that the two systems do support each other in terms of generalized findings.

HEARING OFFICER'S REPORT

The Board considered a report from the hearing officer and the hearing officer's recommended order as to a complaint that was referred by the Office of Education Accountability (OEA) to the Board regarding allegations that an individual engaged in a pattern of practice detrimental to the successful implementation of school-based decision making in violation of KRS 160.345 (9). Deputy Commissioner Kevin Noland reported that the parties were able to settle the matter and as a result the hearing officer is recommending that the case be dismissed. Jeffrey Mando moved to adopt the hearing officer's report and Samuel Robinson seconded the motion. The motion carried.

COMMITTEE MEETINGS

The Assessment and Accountability Committee and KSB/KSD Committee met from 2:30 p.m. to 5:30 p.m.

Thursday, October 9, 2003

SPECIAL COMMITTEE MEETING

The Evaluation Appeals Panel met in closed session from 8:00 a.m. to 9:00 a.m.

VISIT TO KDE OFFICES

Board members visited various Department of Education offices from 9:00 a.m. to 10:00 a.m. to meet staff and thank them for their hard work.

FY2004-06 BIENNIAL BUDGET REQUEST

Commissioner Wilhoit indicated the budget will be submitted to the Governor around November 1 and noted that this year due to the election, more interaction has taken place with the Governor's office prior to the submission of budget to the legislature. He clarified that the format the Board was given has been set by the Governor's Office of Policy and Management and is new this year. Wilhoit stated that the bottom category on the chart represented the Board's priorities.

Associate Commissioner Robin Kinney then went over the budget chart below:

<p align="center">SUMMARY (Using New GOPM/LRC Format) BIENNIAL BUDGET REQUEST 2004-2006</p>			
<p>Baseline Budget <i>Straight-Lined Budget from FY 2003-04 Enacted Budget (as revised). This applies to all funds. FY 2003-04 Non recurring costs, discontinued programs, and budgeted vacancies are removed from this level.</i></p>	Current Funding Level	Requested Funding	Requested Funding
	FY04	FY05	FY06
	General Fund	2,958,011,100	Less 8/1 vacancies and CAP adjustments
	Restricted Fund	8,115,600	8,115,600
	Federal Funds	498,568,800	525,218,800
Total	3,464,695,500		
<p>Defined Calculation Budget <i>The purpose of this request level is to isolate costs due to factors (i.e., inflation, salary increments) outside the control of the agencies. All projected rate increases (Health, Retirement, Rent, etc.) shall be displayed at this level.</i></p>	FY04	FY05	FY06
	Reference Information	In addition to FY04 Baseline	In addition to FY05 (Total FY06 Request)
(SEEK) 5% Increment for Teachers' Salaries – KRS 157.420	Projected at \$2.1b (Certified payroll)	104,700,000	111,300,000 (216,000,000)
(SEEK) Retirement – 5% Amount (Above) x 13.105% to Match Required Salary Increase	7,126,168 (‘03 Certified Salaries x 2.7% x 13.105%)	13,720,000	14,585,900 (28,305,900)
Health Insurance (LSD) (‘03 Appropriation: \$263,870,900)	41,334,500 (15.7% > ‘03)	49,443,274 (16.2% > ‘04)	68,447,194 (19.3% > ‘05) (117,890,468)
KDE 5% Increment & Associated Fringe		1,850,100	4,435,400
KDE Retirement Match (Rate or # x 13.105% - Tied to 5% Increment)	2,553,900	670,200	822,300
Increased Costs for Certified Preschool Teachers Per KRS 157.3175	0	1,700,000	1,700,000 (3,400,000)
Textbooks (K-8) – KRS 157.100/KRS 157.110	0	21,700,100	21,700,100
State Agency Children Increased At Rate Of 5% x ‘04 Appropriation – KRS 158.135 (3)		540,000	540,000
National Board Certification – KRS 157.395	600,000 (FY04)	760,000	570,000 (1,330,000)
<p>Growth Budget <i>Supports the “Natural Growth” of a Program/Activity. Budgeted Vacant positions or filled positions above the Baseline Request associated solely with program growth after July 1, 2003, may be requested in this budget request level with justification.</i></p>	FY04	FY05	FY06
Rewards – KRS 158.6455	0	10,000,000	10,000,000
Base Funding Increase for SEEK – KRS 157.360 (Growth in ADA, Property Assessments and Other Components)	\$3191/student		
<p>Additional Funding <i>New and expanded activities – No Change.</i></p>	FY04	FY05	FY06
1. Additional SEEK (2% Increase)			
2. Preschool (Funds entitlement only) – KRS 157.3175	46,281,100	20,000,000	20,000,000 (40,000,000)
3. Full-Day Kindergarten	104,500,000 (½ Day currently in SEEK)	107,000,000	111,000,000 (218,000,000)
4. Technology (Funds at previous level) – KRS 157.660, 157.665	18,693,600	1,306,400	1,306,400
5. LEP (Exceptional Children Weight of 1.0 for 6,000 Children)		20,000,000	21,000,000
6. Instructional Facilitators (Ten Pilot Sites @ \$50,000/each)		500,000	500,000

There was consensus by the Board that the chart expressed the Board's viewpoint and thoughts. Staff was commended on the wonderful job it did in constructing the proposed budget.

A concern was raised about transportation in that there is no funding for children living one mile or less from school. Staff reported that this would be a \$12 million item and would require a statutory change. The Board asked that this be put on its legislative list for consideration.

At this point, Jeff Mando moved approval of the proposed budget in order that it could be submitted to the Governor's Office of Policy and Management and Gail Henson seconded the motion. The motion carried.

FINAL CLOSURE OF PHASE I OF KETS IN KENTUCKY SCHOOLS

The Board was informed that 175 school districts have completed all components of KETS Phase I. It was pointed out that Allen Whitworth, Jefferson County Public Schools technology head, indicates that implementation of KETS, MUNIS and STI are on target in all areas with only minor implementation issues being raised. A concern was raised by the Board about when STI information will be implemented in Jefferson County with all of the bugs worked out. David Couch communicated that currently the state/district accumulator is being built and should be finished between December and March and he said it was his hope that everything would be in place by March/April.

KENTUCKY PRESCHOOL PROGRAM

Associate Commissioner Starr Lewis reminded the Board that this presentation is a follow-up from a previous discussion for the purpose of bringing back issues on which more information was desired. The main points of the presentation and discussion were:

- The preschool standards are linked to the Program of Studies for Kentucky Schools, Standards and Indicators for School Improvement and the High School Outcomes. Staff recommended the standards be distributed through professional development and tool kits rather than making them a requirement.
- Concern was expressed about budget implications and staff communicated that the Ford Foundation grant would cover the work to compose the standards as well as to distribute them.
- With these standards, Kentucky goes beyond federal requirements because the federal level only required standards for ages 3 and 4 and Kentucky did them for the whole child.
- Training on the standards will be offered across the state to preschool teachers, Headstart teachers and childcare providers.

- The standards will go on the web in January after the training occurs.
- The Board was in accord with the approach proposed by staff on the distribution of the standards and the training.
- The state is meeting the needs of 93% of eligible four-year-olds and 99% of three- and four-year-olds with disabilities.
- Wrap-around services were defined as pre- and post-time childcare services.
- Districts should be encouraged to partner with community agencies in order to provide services and eliminate barriers to providing them.

APPROVAL OF ACTION/CONSENT AGENDA ITEMS

Jeff Mando noted that his committee was given an updated list of local district tax rates levied that should be included in the approval on these items. At this point, Samuel Robinson moved to approve the Certification of Nonpublic Schools, Kentucky Writing Program Advisory Committee Membership, 2003-2004 Local District Tax Rates Levied including the amended list, District Facility Plans for Boyle, Bracken, and Madison Counties and Barbourville, Danville, Eminence, Paducah, Providence and Raceland-Worthington Independents, District Facility Plan Amendments for Christian, Garrard, and Rockcastle Counties and Bowling Green and Erlanger-Elsmere Independents and the Kentucky School for the Deaf Advisory Board appointments. Alcie Combs seconded the motion and it carried.

MANAGEMENT COMMITTEE REPORT

Chair Jeff Mando began his report with some general comments as follows:

- Leslie County is one year behind in its tax rate levied. The Board sent a letter to the Revenue Cabinet expressing its concern about this matter and a response was received indicating the problem will be resolved in 2005.
- A brief discussion on transportation costs occurred where a \$12 million figure came forward if children living less than a mile from school are transported.
- By agreement of all the parties involved, the request by the Jefferson County Board of Education to use an alternative formula to allocate money to school councils in 2004-2005 was delayed until the December meeting in order that more work could be done relative to the questions raised by Susan Weston.

Action/Discussion Items

1. **704 KAR 7:061, Repeal of 704 KAR 7:060, Missing Kentucky School Children Program (Final).** Chair Mando indicated that the Board had reviewed this repealer regulation previously and emphasized the need for this regulation is moot. Then, on behalf of his committee, he moved the repeal of 704 KAR 7:060. The Board agreed with the committee's recommendation.

Review Items

1. **Identification of District Watchlist.** Mr. Mando reported the districts that were on the list last year are no longer there except for Jackson County. He stated this district has less than a 2% balance even though they have reduced certified staff. However, he noted that at the same time, the district has increased classified employees. Mando said department staff has been working with the district to identify problems and areas to cut costs. He went on to say that if the district had not been allowed to use \$450,000 out of capital outlay for general fund use, it would have been a deficit district.

Mando reported that Covington Independent is doing well and expects to be out of deficit by the end of this fiscal year, one year early. He said this is very good news.

2. **Attendance and Dropout Data Issues.** Mr. Mando indicated that the Program Review and Investigations Committee requested two studies be done, one on SEEK and the other on CATS. He reported that in these studies concerns were raised on attendance and whether it is reported accurately and also whether auditing is performing the intended function. Chair Mando went on to say that there is no evidence showing that the attendance figures reported by districts are inflated. He explained that one-fourth of the districts are audited each year and if an error is found, dollars are deducted or added, whichever is merited. Mr. Mando shared that the Program Review and Investigations Committee asked that the Department audits use a risk-based approach and stated that the Department agreed to this in part. He shared that in Jefferson and Fayette Counties, one-fourth of the schools will be audited every year and a focus will occur on middle schools and high schools in the audits. Chair Mando emphasized that the audits are very labor intensive and take much time. He stated that through future improvements in technology, some of the information may be able to be collected electronically.

Relative to the claim by the Program Review and Investigations Committee that dropout data is perhaps not accurate, Mr. Mando clarified no evidence exists to support this. He explained that the dropout definition used by the Department is based on the National Council of Education Statistics' definition, which is used nationally. He emphasized that the Department does validate dropout data as part of the attendance audit.

3. **KETS Phase I and II Infrastructure Building Blocks and the Impact on Student Learning.** Chair Mando noted that this report sets forth what the need is to advance the technology system, with \$120 million per year established as the need. Mando continued that only \$35 million was allocated by the General Assembly and since the budget shortfall, the figure is \$18.7 million. He emphasized his committee is concerned that technology is not being used for math instruction and that the technology is located in laboratories instead of classrooms. He requested on behalf of his committee that when the Department looks at refocusing high schools, a look should be taken at using the available tools within the school.

CURRICULUM COMMITTEE REPORT

Action/Discussion Items

1. **2004-2005 Direction for Professional Development Leadership and Mentor Fund and the Teachers' Professional Growth Fund.** Regarding the use of the Professional Development Leadership and Mentor Fund for 2004-2005, Chair Dorie Combs reported that staff has recommended continuing to focus the mentor funds on reading and mathematics at the middle and high school levels with an emphasis on the importance on effective writing instruction in relation to reading and the importance of student writing across content areas to prepare for life beyond the secondary school experience. She then moved on behalf of her committee to accept staff's recommendation. The Board concurred.

Combs moved on to the Teachers' Professional Growth Fund and shared that her committee would like to know what funds are being used and where these are used at a later committee meeting. She then moved to accept staff's recommendations to keep the program open to all content areas and to all grade levels. The Board agreed with the committee's recommendation.

Review Items

1. **Reducing the Gap – Achievement Gap Coordinators/Partnerships.** Ms. Combs noted that Associate Commissioner Ron Bryan brought a summary of the ongoing work in addressing the achievement gap to the committee. She noted that the report also concentrated on the work of the new coordinators, who have been in place for three months. Chair Combs emphasized that Bryan's list of work on the achievement gap was extensive and shared it with the Board because she wanted everyone to realize that the Department has been addressing this problem for sometime even though the coordinators have only been in place for three months.
2. **Annual Report to the Interim Joint Committee on Education Regarding the Early Reading Incentive Grant Program.** Chair Dorie Combs commented that this item and the Annual Report from the Collaborative Center for Literacy Development were very closely related and indicated the

committee tended to jump back and forth between the two items. Relative to the Early Reading Incentive Grant Program, Combs noted that the committee heard a report on how the program is working and clarified that the program is designed to target children who are struggling readers rather than being a program that serves as a comprehensive reading approach in a school. She went on to say that once the grant runs out, it was intended for the school to continue the program on its own; therefore, the grant serves as seed money to set up the program initially.

Chair Combs stated that the committee focused on the policy issues relative to the Early Reading Incentive Grant Program found on pages 56 and 57 of the October Agenda Book as follows:

- Reaching schools and students most in need – The committee agreed that the program should continue to target low-performing schools.
- Technical assistance/monitoring issues – The committee advised that there must be a continued effort to identify ways to provide technical assistance to schools, especially since the closing of the Regional Service Centers.
- Efficacy of reading model – It was agreed that the Collaborative Center for Literacy Development needs to continue to look at the Early Reading Incentive Grant Program schools versus the non Early Reading Incentive Grant schools and the effectiveness of their reading programs. Additionally, the Collaborative Center must continue to compare programs and the issue of schools bringing in more than one program that may contradict one another.
- Application/Grant Complexities – The committee agreed that technical assistance must continue to be provided to schools in the writing of the Early Reading Incentive Grants.
- Funding issues/continuation leadership sites – The committee advised staff not to continue to fund the continuation leadership sites, but instead use the funds as seed money to start new programs.

3. **Annual Report from the Collaborative Center for Literacy Development (CCLD) Researchers.** Chair Combs noted that the Early Reading Incentive Grants, the Reading First initiative, and the work of the Collaborative Center for Literacy Development are all coordinated. She stated the committee felt that the Collaborative Center is doing a good job of coordinating these various reading programs. Combs pointed out that the report included a variety of research findings including the study on the Early Reading Incentive Grant Program. She indicated the findings so far are not seeing any one reading program that is necessarily better than the other. Instead, she explained that the findings indicate the effectiveness of the program depends on its implementation so that the teacher seems to be the key element.

4. **Writing Portfolio Issues Related to Curriculum and Instruction.** Dorie Combs noted the following points were discussed during the writing portfolio item:
- The Legislative Research Commission Study brought out many of the issues relative to the writing portfolio. It was clarified that the survey sent out to teachers by the Legislative Research Commission had a return rate of 38%, so when it was quoted that 71% of teachers felt a certain way, this was 71% of 38%.
 - Discussion occurred about regulating portfolios, but the committee decided this was not the way to approach the problems.
 - The committee asked that the Commissioner of Education communicate with superintendents and principals on appropriate portfolio procedures.
 - Transactive pieces can focus on research and staff will look at how to communicate this.
 - The Assessment Committee also discussed writing portfolios. The policy issues associated with these are to be the basis of a preliminary agenda for a joint meeting of the Assessment Committee and Curriculum Committee in the future.

KSB/KSD COMMITTEE REPORT

Review Items

1. **Kentucky School for the Blind and Kentucky School for the Deaf Committee – Follow-up Items on Facilities, Food Service, Safety Training and Career and Technical Education; Regional Programming and Current Offerings; and Reports from Regional Stakeholder Groups.** Vice Chair Paul Whalen summarized the following issues discussed by the committee:
- Most of the safety issues at the schools have been rectified.
 - Vocational offerings at the schools were discussed and why students are or are not taking them.
 - Reports from the stakeholder groups in the Cumberland Valley, Kentucky Valley Education Cooperative, Caveland and Jefferson County areas were heard. These were informative and showed that there are talented people putting these reports together. One of the results of the collaboration from these groups is communication on the wide-range of services available for

access by students. The groups want regional coordinators for the services.

- It was agreed that a stakeholder roster for the purpose of networking would be put together for the groups.
- The need for more certified interpreters was discussed due to the shortage of these individuals.
- The progress on CATS of KSB and KSD were discussed and it was reported that KSB is above its goal line and that KSD has made progress. The Committee commended the schools on this progress. There will be more discussion on this at the December committee meeting.

ASSESSMENT AND ACCOUNTABILITY COMMITTEE REPORT

Action/Discussion Items

1. **Meeting Reporting Timelines Established by the No Child Left Behind Act of 2001 (NCLB) and Clarification on Other Academic Indicator and Graduation Rate.** Chair Hilma Prather stated that the United States Department of Education requires schools to make adequate yearly progress (AYP) designations prior to the beginning of school. To meet this requirement, Prather indicated that Department staff gave the committee several options, which it did not support due to the ramifications on teaching and learning. Thus, she explained that the committee decided to give staff guiding principles on which to base the negotiations with the testing vendor for getting results back sooner as follows:
 - Keep the integrity of CATS to the extent possible.
 - Protect the breadth and depth of the curriculum.
 - Cause the least amount of confusion as possible.
 - Ensure that testing occurs as late in the year as possible.
 - Whatever solution is decided on must be valid and reliable.

Prather went on to say that staff have been asked to bring back more information on this issue in December and clarified that next year the process for making AYP designations will consist of a preliminary release in the summer followed by final results once the open-response data is available. She went on to say that the committee has requested specific information on reducing the number of forms of the test and its impact on curriculum and logistics and on the feasibility of teachers scoring open-response items.

Prather noted that National Technical Advisory Panel On Assessment And Accountability members James Catterall and John Poggio were on the phone during this discussion.

Relative to the portion of the item on clarification on the other academic indicator and graduation rate, Chair Prather reminded the Board that it had previously decided to use the academic index as the other academic indicator with the requirement that improvement must be shown on this indicator for elementary and middle schools. However, she explained that this item is being brought back to the Board to provide clarity and specificity and now the recommendation is to use the full academic index where an elementary or middle school would be considered to have demonstrated growth on the other academic indicator if:

- The school's prior year accountability index is 80 (the point at which a school is considered to no longer be in need of state assistance) or higher; or
- The school's prior year accountability index is at or above that year's biennial goal; or
- The school demonstrates growth on the prior year accountability index when compared to the accountability index previous to the prior year.

Prather then noted that for high schools the graduation rate is the other academic indicator and again noted that staff wanted to give more specificity to this indicator. She explained that the 2006 statutory requirement of 5% or below dropout was converted to graduation rate in order to set increments between now and 2014. Prather emphasized that 100% was not used as the final goal, but said instead 98% was set in order to honor those students with disabilities that cannot participate in the regular graduation rate.

Chair Prather highlighted the fact that the Local Superintendents Advisory Council was concerned about not being able to give credit for those students taking more than four years to graduate; however, she explained that the United States Department of Education had indicated this is not allowed. At this point, Prather moved approval of the more detailed proposals on the other academic indicator and the Board concurred with the proposals.

Review Items

1. **Communication of Information About *No Child Left Behind Act* Implementation to Schools and Districts.** Hilma Prather explained that this item addressed the methods that will be used in communicating the adequate yearly progress data release. She noted that an effort is made to keep the emphasis on CATS and not to characterize the federal accountability as how many schools are failing. She went on to say that the report will show the

percentage of success toward the federal goal and noted that her committee felt the grid was a good tool. Prather clarified that the other pages were more technical in nature but said these give specific information on where schools are. She congratulated all staff involved in developing these materials.

2. **Regulations to Merge State and Federal Assessment and Accountability Requirements.** Chair Prather stated that reviewing the regulations would give the opportunity to have clear language as final approval is considered at the December meeting. She then summarized the discussion on each of the regulations as follows:

- 703 KAR 5:001, Assessment and Accountability Definitions – This regulation contains all of the definitions related to the other assessment and accountability regulations. For the definition of full academic year, it was noted that two potential definitions were brought forward by the School Curriculum, Assessment and Accountability Council (SCAAC) and the Local Superintendents Advisory Council (LSAC). The SCAAC definition was characterized as being very close to the one appearing on page 254 of the Agenda Book and LSAC’s definition was reported as the six-day from the beginning of the school year to the end of the school year. These groups were asked to see if they could come to a compromise on a definition and bring back information on their work to the December meeting. The committee asked staff to bring more information to them on the implications of the two definitions, perhaps with snapshot information from different districts.

Also, language will be inserted into 703 KAR 5:001 on a different “n” count for participation rate that designates a number of 60 to prevent accidents or unknown causes from impacting the 95% participation rate for subpopulations. Concern was expressed over whether 60 was high enough to eliminate the risk of missing the 95% participation rate. Staff were asked to go back and run simulations on the effect of different “n” counts affecting participation rate for the December meeting. It was noted that LSAC expressed concern over the 10/30 “n” count number for accountability of subpopulations and the committee chair indicated this decision had already been made.

- 703 KAR 5:020, The formula for determining school accountability – The following changes were noted to the language in the regulation: (a) to section 6 (3), the words “for the first three years” were added to line 20 on page 14 of the regulation; (b) for Section 10 (2), renumbering must occur in this section for it to be accurate; (c) for Section 10 (5), the confidence level needs to read 99% instead of 98% at this location and every other place where this is referenced within the regulation; and (d) a new section needs to be added with language requiring participation in the National Assessment of Education Progress if a school is selected by the United States Department of Education for this purpose.

- 703 KAR 5:120, Assistance for schools: guidelines for scholastic audit – On page 9 of the regulation, language needs to be added to Section 7 to require training for scholastic audit teams relative to achievement gaps.
- 703 KAR 5:070, Procedures for the inclusion of special populations in the state–required assessment and accountability programs - On page 6 of the document incorporated by reference, cleanup language on medical exemptions is needed and also the same language is needed in other places within the regulation to make it totally in sync.
- 703 KAR 5:130, School district accountability - The changes requested by the committee included: (a) to Section 7(1), “academic indices” on line 4 of page 6 of the regulation needs to be changed to accountability indices; (b) for Section 7(3), to line 13 of page 6, the phrase “or met the conditions described as “safe harbor” in 703 KAR 5:001”; (c) for Section 7(3), line 14 on page 6 of the regulation, change “academic index” to “accountability index”; (d) for Section 7(3), line 16 on page 6 of the regulation, delete the words “of 100%” and add the phrase “goals as defined in 703 KAR 5:001”; (e) in Section 7(5), line 5 on page 7 of the regulation, change 98% to 99%; (f) in Section 7(7), on line 14 of page 7 of the regulation, delete the words “and the calculation of the academic index”; (g) for Section 7(12), lines 13 through 16, underlining should be added because this is new language; and (h) a new section 8 should be added to insert new language on required participation in the National Assessment of Education Progress relative to a district being selected by the United States Department of Education to participate in this assessment, it would be required.

3. **703 KAR 5:160, Commonwealth Accountability Testing System Administration Procedures.** Chair Hilma Prather indicated that this regulation was new and formalizes what was previously the assessment coordinators’ handbook.
4. **Writing Portfolio Assessment and Accountability Issues.** Chair Prather reported that the committee discussed writing portfolio issues as related to assessment and accountability in the context of the LRC study and responses supplied by Department staff. She noted that the committee could not separate assessment and accountability issues from curriculum issues and therefore, a request to hold a joint meeting between the Assessment and Accountability Committee and Curriculum Committee on writing portfolio issues using the policy issues as a springboard for the agenda was made.

Action/Discussion Items

1. **“N” Count for Participation Rate.** Associate Commissioner Kevin Noland requested clarification on whether the committee was recommending for calculating AYP scores and “n” count for participation rate. Thus, Hilma Prather moved to establish an “n” count of 10/60 for the purpose of determining the 95% participation rate and Jeffrey Mando seconded the motion. The motion carried.

KBE AUDIT COMMITTEE REPORT

Review Items

1. **KDE Internal Audit Reports.** Chair David Tachau reminded the Board that the internal audit charter was adopted by the full board to clarify the role of the auditor within the Department of Education. He indicated that the auditor had done a thorough review of several aspects of the Department over time and that the auditor’s recommendations had been adopted and implemented. However, Tachau stated that the internal auditor, John Heeb, has retired and that the work of that particular function has been mostly completed. He continued that the committee feels it is time to reexamine the audit function to consider what the future of the internal audit function should be and what the Board must examine to ensure that internal management is occurring. Tachau indicated that Department staff was asked to review the issues and come back with recommendations in February on revising the internal audit charter and how the function should be done. He also noted that staff will be bringing recommendations in February on what the Board should be reviewing and doing to ensure internal management is occurring.

INTERNAL BOARD BUSINESS

The following items were dealt with during the Internal Board Business section of the meeting:

- The Kentucky Board of Education met in executive session on August 6, 2003, to discuss the evaluation of the Commissioner and then met on August 7, 2003, in closed session to discuss this matter with him. At this point Paul Whalen moved to adopt the Commissioner’s evaluation document reflecting these discussions and Samuel Robinson seconded the motion. The motion carried.
- The Board discussed a pay increase for Commissioner Gene Wilhoit in the amount of \$1,080 and indicated that although they feel his performance deserves more, they are offering the same increase as is mandated for classified personnel. At this point, Samuel Robinson moved to approve the pay increase of \$1,080 for the Commissioner and Alcie Combs seconded the motion. The motion carried.

- Jeffrey Mando moved that Commissioner Gene Wilhoit's term of service be extended through September 30, 2006, and Dorie Combs seconded the motion. The motion carried.
- Chair Helen Mountjoy appointed an ad hoc committee to review the Commissioner's contract that would come back in December with any recommendations for changes. Members of the committee were Jeff Mando, Samuel Robinson, David Tachau and Helen Mountjoy.
- Members were alerted to the meeting to be held by the Kentucky Long-Term Policy Center and were advised if they wanted to attend, more information could be secured from Mary Ann Miller or Susan Palmer.
- The Board agreed that Chair Helen Mountjoy should be authorized to send a letter to the new Governor upon his election offering congratulations and a desire for the Board to work with him, outlining the Board's priorities and requesting a meeting to discuss educational issues.
- Commissioner Wilhoit and Chair Mountjoy indicated that it had been a difficult meeting and that staff would be advised that as little confusion as possible needs to occur when revising materials and that materials need to be ready on time.
- The Board's holiday party was announced for the evening of December 10 in Frankfort.

ADJOURNMENT

The Board adjourned its meeting at 2:35 p.m.